

# **EXHIBIT 2**

# *Uber's Festering Sexual Assault Problem*

The company has tested tools that make rides safer, court records show. Measures to stem the violence have been set aside in favor of protecting the company's business.



**By Emily Steel**

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Uber received a report of sexual assault or sexual misconduct in the United States almost every eight minutes on average between 2017 and 2022, sealed court records show, a level far more pervasive than what the company has disclosed.

Publicly, the ride-sharing service proclaimed it was one of the safest options for travel, with aggressive media campaigns and polished reports on its website about the rarity of serious attacks.

Inside Uber, teams of data scientists and safety experts spent years studying the problem. The company tested tools that proved effective at making trips safer, including sophisticated matching algorithms, mandatory video recording and pairing female passengers with female drivers.

Still, Uber delayed or did not require its drivers to adopt some of the most promising programs, nor did it warn passengers about factors it linked to attacks, according to interviews with more than a dozen current and former employees, internal documents and court records. Hundreds of the records have been under seal as part of large-scale sexual assault litigation against Uber.

Uber's decisions about safety came as it prioritized growing its user base, avoiding costly lawsuits and protecting its business model, which classifies drivers as independent contractors rather than employees, the records show.

The distinction is important to Uber. Contractors are much cheaper than employees because the company does not need to pay benefits or overtime, and it also means drivers are minimally supervised and not subject to the same labor rules as traditional employees.

“Our purpose/goal is not to be the police,” stated a 2021 brainstorming document about Uber’s global safety standards. “Our bar is much lower and our goal is to protect the company and set the tolerable risk level for our operations.”

Uber helped revolutionize global transportation by connecting strangers for shared travel. Millions of people hail cars with its app every day. The company has long maintained that the vast majority of its trips in the United States — 99.9 percent — occur without an incident of any kind. But because Uber operates at such a large scale, a fraction of a percent can translate into many attacks.

From 2017 to 2022, a total of 400,181 Uber trips resulted in reports of sexual assault and sexual misconduct in the United States, court documents show. Previously, the company had disclosed 12,522 accounts of serious sexual assaults for that same time period, without indicating the total number of sexual assault and sexual misconduct reports it received.

Uber has not released data for the years since then, though the court records indicate reports of incidents have increased.

“There is no ‘tolerable’ level of sexual assault,” Hannah Nilles, Uber’s head of safety for the Americas, said in a statement to The New York Times.

Ms. Nilles said that about 75 percent of the 400,181 reports were “less serious,” such as making comments about someone’s appearance, flirting or using explicit language. She added that the reports had not been audited by the company and could include incorrect or fraudulent reports submitted by people trying to get a refund.

The company has acknowledged that the number of incidents in recent years has gone up along with overall ridership. But, when the company releases data for 2023 and onward, Uber expects rates of “critical sexual assaults” to drop below the level

in 2017, the first year covered by its safety reports.

Within Uber, employees have acknowledged that cases of sexual assault and sexual misconduct are probably underreported out of a fear of safety, intimidation or shame or because many drivers learn where passengers live.

Uber has found that sexual assaults follow distinct patterns. Women most often are the victims, whether they are passengers or drivers. The attacks typically occur late at night and on the weekend, with pickups originating near a bar. In the vast majority of cases, the offenders are men — drivers or passengers — with records of sexual misconduct complaints and low ratings, the internal documents show. Intoxicated passengers are especially vulnerable.

“No single safety feature or policy is going to prevent unpredictable incidents from happening on Uber, or in our world,” Ms. Nilles noted. She said the company had rolled out a range of safety features, including GPS tracking, optional in-app audio recording and an emergency button to connect with 911 services.

Several of those safety tools were in place when a woman in Houston called Uber at 5:50 a.m. one Friday in December 2023 to say she had been raped by her driver.

She reported that she had been intoxicated and woke up in a motel with the driver, who fled after she became frantic, according to a copy of an internal Uber investigation.

Trip details tracked by Uber’s systems revealed that the woman had been picked up at 8:53 p.m. the previous evening at an apartment complex, requesting to be dropped off at a house about 22 minutes away. But the trip diverged, first at 9:10 p.m., then at 9:13 p.m., with an eight-minute stop near a gas station. At that point, Uber sent the woman an automated notification to check on her. She didn’t respond.

The ride continued to deviate from its route, and at 9:29 p.m., the car stopped near a Motel 6. Uber sent another notification to the woman at 9:35 p.m., but she didn’t respond. Four minutes later, Uber tried contacting her with a robocall. She didn’t

pick up. The trip remained active, with no recorded movement, until the driver marked it complete at 2:01 a.m.

Uber barred the driver immediately after the incident. One month later, an internal investigation discovered “a concerning fact pattern.” The driver had received two previous accusations of sexual misconduct for inappropriate comments. An estimated 22-minute ride lasted about five hours. And three automated attempts to contact the rider went unanswered — a potential signal to Uber that something could have gone wrong, according to the report.

“Are our actions (or lack of actions) defensible?” the report asked.

## **‘Creepy Driver’ Feedback**



Uber’s decisions about safety have come as it has prioritized growing its business and avoiding costly lawsuits. Ava Pellor for The New York Times

Executives at Uber have been aware of sexual misconduct on their platform since at least 2012 — two years after the first Uber trip — when an executive in Washington saw someone post on a message board about concerns that “something had happened to her daughter in an Uber.” Several high-profile incidents made headlines, including a 2014 rape in India, and the company came under scrutiny for how it handled sexual assault.

Rocked by a series of scandals in 2017, including allegations of workplace sexual harassment, Travis Kalanick, the company’s brash co-founder, stepped down as chief executive. Dara Khosrowshahi, then the head of Expedia, took over. (At the time, Mr. Khosrowshahi was a member of The New York Times Company’s board of directors, though he stepped down after joining Uber.)

In preparation for the company’s initial public offering in 2019, he worked to clean up the company’s raucous, tech-bro image. He promised a new era of transparency, integrity and accountability: “We do the right thing, period.” The company began releasing curated reports on serious sexual and physical assault.

Uber also has undergone a significant business transformation, from a growth-at-all-costs strategy that racked up billions of dollars in losses to a sharp focus on profits and cutting expenses. The company had its first profitable year since going public in 2023.

Yet on Mr. Khosrowshahi’s watch, sexual misconduct has continued to fester. As ridership has increased, especially after the Covid-19 pandemic, so have the reports of serious sexual assault.

Sexual assault is a problem throughout the transportation industry, including for other ride-sharing companies, as well as traditional taxi cabs. Research into gender-based violence has found sexual violence a severely underreported issue, and industrywide comparisons are difficult because there is no centralized database for incidents of sexual violence, according to a Government Accountability Office report from last year.



Lyft, Uber's smaller rival, has also reported thousands of sexual assaults. In a statement, Lyft also said that reports of sexual assault are "statistically very rare," and represent far less than 1 percent of rides. "We will continue investing in technology, policies and partnerships to try to prevent and detect unsafe situations," the company said.

Uber was studying incidents of sexual violence by 2016, and that year data scientists said in a report that safety incidents were rare but predictable. A team started developing a machine-learning model to forecast which matches of drivers and passengers might lead to an incident, according to a 2017 presentation titled "Preventing Sexual Assaults." The document detailed how forecasts used 43 predictors, such as feedback reporting a "creepy driver," safety incident history and geographic information, including the number of bars near a pickup.

The company ultimately developed an algorithmic tool called Safety Risk Assessed Dispatch. The idea was to determine the risks of potential pairings of drivers and passengers. Uber could then use those scores to select the optimal match, according to a July 2018 report about the tool.

The company quietly tested the system in Los Angeles that year, finding that it "correctly anticipated 15 percent of sexual assaults" on trips using Uber's basic ride-hailing option, according to the report. An internal presentation a few months later called the tool potentially the "most effective intervention for preventing sexual assaults."

By 2022, the tool had been rolled out across the United States. It became part of the sophisticated system Uber uses to respond to trip requests, which also incorporates distance and the number of potential drivers and passengers nearby.

But there was a problem, according to a 2024 internal document: The system "still dispatched trips identified as high-risk."

Ms. Nilles said it would be incorrect to assume that trips considered to be high-risk mean that people automatically face imminent threats. She credited the technology with helping to make rides safer but cautioned that because attacks are rare on

Uber rides, the tool is not perfect. “While this technology can reduce incidents in the aggregate, it cannot reliably predict whether an individual pairing or trip will result in an incident or not,” she said.

“Unilaterally blocking certain types of trips, like all requests from bars late at night, would leave many people stranded on the street, encouraging them to drive drunk or walk home unsafely,” Ms. Nilles added.

## **‘Gaps in Our Safety Ecosystem’**





In recent years Uber has turned from a growth-at-all-costs strategy to a sharp focus on profits and cutting costs. Ava Pellor for The New York Times

Uber found a solution that could work.

As early as 2014, it started exploring the idea of using cameras in cars. The company discovered that the threat of being monitored, even if cameras were not turned on, could be an effective deterrent of illicit behavior. “A world without a/v,” read a 2016 presentation referring to audiovisual equipment, “leaves gaps in our safety ecosystem.”

Soon after starting as chief executive the next year, Mr. Khosrowshahi outlined a vision for a system of inexpensive, easily installed cameras in Uber cars that would record trips by default. Employees found that his plan would be feasible and cost effective, reduce the likelihood of misconduct and help drivers, according to a 2017 presentation.

But the company decided not to require cameras in cars, largely because it conflicted with its business model, according to internal communications.

By design, drivers are classified as independent contractors, not employees. That allows Uber and similar gig economy companies to avoid paying significant costs associated with traditional employment, including minimum wage, overtime, employee benefits and time for rest breaks.

As a result, Uber goes to great lengths not to treat drivers as employees. That means limiting trainings or not requiring that certain equipment — like cameras — be installed in cars to avoid running afoul of employment law.

One 2017 document titled “Sexual Assault/Misconduct Reduction Strategy” suggested the limits of what Uber would compel its drivers to do, saying that the business model had “very specific constraints in the amount of mandated training and interventions.”

Ms. Nilles, Uber’s head of safety in the Americas, said it offers the option through its apps for drivers and passengers to record audio and for drivers to record video.

The decision not to require video recording “has as much to do with very real practical challenges and privacy concerns as it does with drivers’ employment classification,” Ms. Nilles said. She added that Uber has begun to require sexual assault and misconduct trainings in the United States.

Uber has also experimented with assigning female drivers to female passengers and found it made rides much safer for both. The company first introduced the option in Saudi Arabia in 2019, allowing women drivers to select women passengers.

Internal documents show how several high-profile assaults had made it difficult to attract women drivers. “Safety has ranked as one of the top reasons for prospective female drivers to not join Uber, and for current female drivers to not drive during certain hours of the day,” read one document titled “Women Driving Women.”

But Uber held off introducing the choice in the United States.

Internal communications described concerns about culture wars, political blowback and, importantly, the potential for gender discrimination and other lawsuits, which the company estimated could cost more than \$100 million.

Uber’s executive leadership team reviewed the decision multiple times, as reports of serious sexual assaults increased from 2023 to 2024.

In May 2024, an intoxicated passenger in a New York suburb reported falling asleep and waking up to being sexually assaulted by an Uber driver, according to an internal investigation that anonymized identifying information, including gender. The driver had been previously flagged for sexual misconduct.

Two months later, a passenger in Miami said a driver stopped one block from the destination, entered the back seat and assaulted them. Uber sent automated messages to check on the driver and passenger because of the unscheduled stop but didn’t receive responses. That same week, a driver in St. Louis was accused of forcing an intoxicated passenger to perform oral sex in the vehicle. Afterward, the driver went on to pick up other Uber passengers.

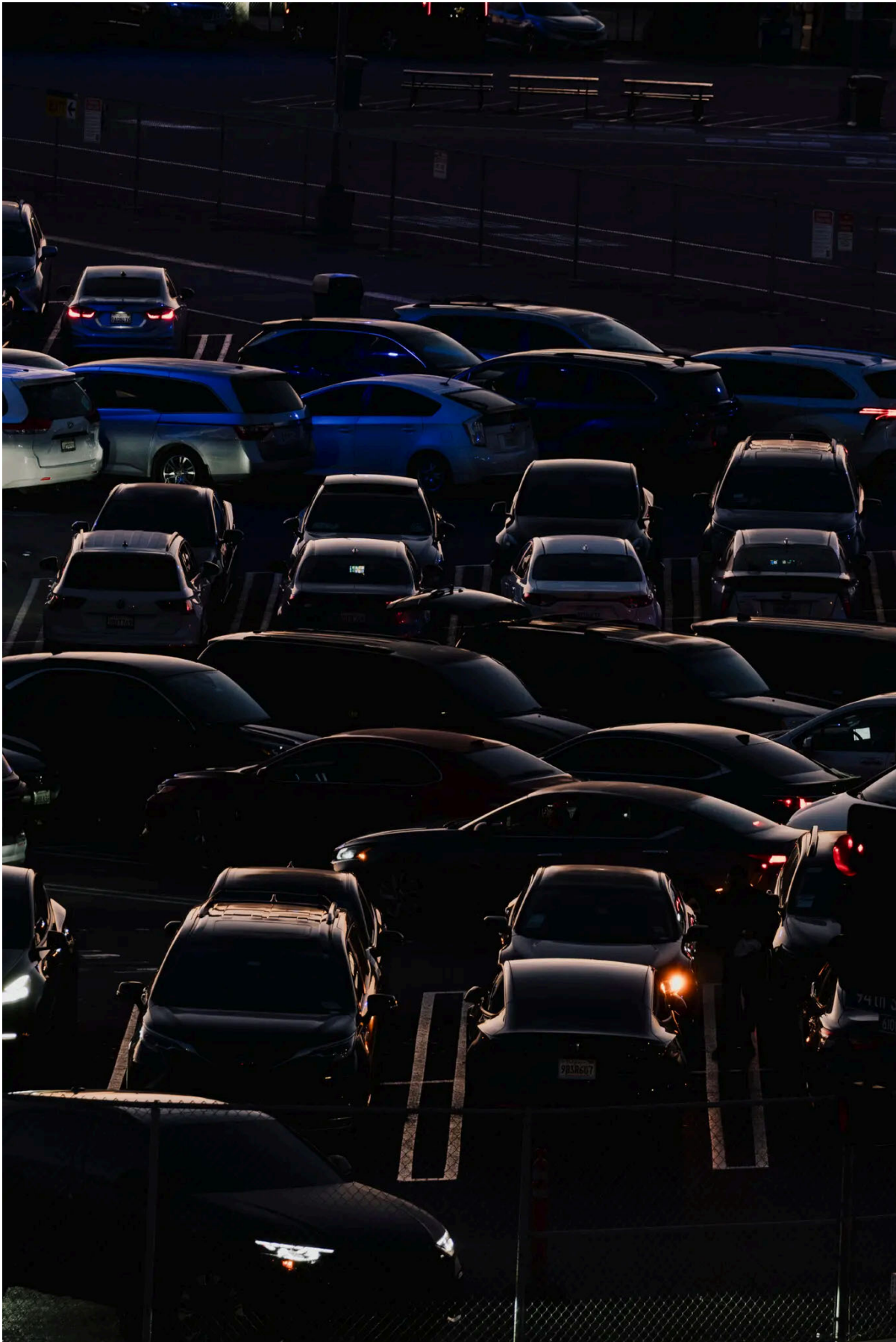
Uber barred the drivers after receiving reports in all three incidents, Ms. Nilles said.

Last fall, leaders greenlit a pilot for a women-matching option in the United States, with a planned rollout starting in November, according to internal communications. But days after Donald J. Trump was elected president, executives decided to hold off. “This is not the right environment to launch, and we want to take a beat to assess our timing,” an internal document read.

On July 23, Uber announced that it was planning to start testing a women-matching option on rides in Los Angeles, San Francisco and Detroit. Ms. Nilles said Uber took time to think through cultural and legal nuances of the offering while also building a service that would be reliable.



# The Spokesman With a Missing Soul



Uber has published three reports about serious safety incidents covering 2017 to 2022. Some safety data was not included in the reports, causing a rift inside the company, according to internal communications. Mark Abramson for The New York Times

For years, Uber has worked systematically to reframe the discussion about abuse during rides, describing sexual misconduct as a “deeply ingrained societal problem.” The company has said its vast scale means that it attracts the best and worst of society.

Even as Uber worked to roll out new safety features, it was inundated with media coverage of sexual assault incidents. The company deployed a plan to push a “steady drumbeat of safety messages” to drown out some of those stories, according to a 2018 email sent by a marketing manager.

Privately, some employees discussed misgivings over not being fully transparent about its sexual assault problem and even working to undermine the credibility of survivors in the news media, according to internal communications.

In 2019, Andrew Hasbun, an Uber spokesman, told another employee that he had “trashed” rape victims to USA Today, which had recently published a report about Uber and sexual assault.

“I used to look after my soul, but I don’t know where it is anymore,” Mr. Hasbun wrote in an internal message.

After being contacted by The Times, Mr. Hasbun said in a statement that he made an embarrassing remark to a colleague out of frustration at the time.

“I deeply regret those messages and would never disrespect survivors of sexual assault,” he said.

Uber has published three reports about serious safety incidents, including sexual assault, that occurred from 2017 to 2022. The company announced in 2018 that it would disclose such information, but didn’t release the first report until after its initial public offering the next year.

Uber limited the incidents it disclosed in the reports to five of 21 categories of sexual misconduct it audited and tracked, including nonconsensual sexual penetration and forced kissing. The company did not disclose reports of other misconduct, including masturbation or threatening sexual violence.

Executives also decided to exclude information about patterns that could lead to sexual assault. One presentation said that revealing day and time trends could have “serious business implications,” including “less users in high peak times.”

Ms. Nilles said Uber decided to report the five most serious categories because they were the least subjective, “meaning there is a high degree of confidence and consistency in the data.” She added that the company had deliberated over including day and time trends, but did not want to deter people from choosing ride-sharing and unwittingly encourage them to “drive drunk, walk unsafely or be stranded.”

The decisions to restrict some information caused a rift internally, with some employees thinking its first safety report downplayed the problem, according to internal communications. Tracey Breeden, who was in charge of women’s safety at Uber at the time, refused to participate in public relations for the initial report, the communications show.

Ms. Breeden, who has since left the company and now works as a safety consultant, said in a statement: “It is an ethical and social responsibility of companies to lead with openness and honesty, publicly sharing risks and trends of harm connected to their products and platforms. Companies have opportunities to strengthen community and consumer trust while also reducing harm.”

“With their technology, statistically relevant data, research and information they capture from millions of users, harm and sexual violence is more predictable and preventable than ever before,” she added. “Many in the ride-share industry say the numbers of people impacted are low. I say, if you want millions to believe you care, you have to show them you genuinely care about ‘the one.’”



## A 'Sexual-Assault Epidemic'



Uber classifies its drivers as independent contractors rather than employees. The distinction is important because contractors do not need to be offered benefits or overtime. Ava Pellor for The New York Times

Under Mr. Khosrowshahi, Uber announced in 2018 that it would end forced arbitration agreements for passengers, drivers or employees who made sexual misconduct claims against the company.

Common to many industries, the practice of requiring complaints to be resolved in arbitration, rather than court, was widely denounced for allowing companies to hide sexual misconduct claims from the public. Mr. Khosrowshahi celebrated the change as a bold move that would increase accountability.

The move prompted a flood of more than 3,000 lawsuits in federal and state courts from passengers who claimed that they had been sexually assaulted or harassed by Uber drivers.

Plaintiffs accused Uber of being “more interested in growth than protecting its passengers” and going to great lengths to “cover up its sexual-assault epidemic,” according to filings in California state court. Lyft is facing hundreds of similar lawsuits. A central question is whether the companies are responsible for the misconduct of their drivers.

It is uncommon for one company to face so many sexual assault lawsuits.

Nancy Erika Smith, a lawyer who has been involved in a number of high-profile sexual misconduct cases, said that while some industries have long tolerated and enabled sexual harassment, the independent contractor model has made sexual assault more prevalent. Ms. Smith is not involved in the litigation against Uber or Lyft.

“I think the amount of sexual assault in this business is a new level,” she said. “The law needs to develop to better protect women.”

Uber has called the lawsuits “a legally baseless attempt” to hold it liable for “the extremely rare and unforeseeable criminal acts” of independent drivers. In some of the cases, Uber has sued drivers accused of assault, saying that if the allegations against them were true, they had violated their agreements with the company.

Uber has settled some of the claims. In July, the company disclosed that it had resolved, for an undisclosed sum, more than 100 suits in state and federal court brought by a single law firm.

At the same time, Uber has continued to mount an aggressive defense. It has subpoenaed family members, and sought medical records and social media activity of people suing the company. It has also questioned the veracity of claims, arguing in a filing last week that some plaintiffs failed to provide receipts for the rides in question.

“Unfortunately, the reality is that litigation processes are not always survivor-centric, which is why, when we ended mandatory arbitration in 2018, we gave survivors a choice in resolving their claims: in a mediation or arbitration, where they can choose to maintain their privacy while pursuing their case; or in open court,” Ms. Nilles said.

As part of the ongoing litigation, a judge in California said last week in a preliminary ruling that some of the documents should be unsealed, though the records have yet to be released.

The first case expected to go to trial in September involves a woman who ordered a ride to the airport in San Jose, Calif., in December 2016, and days later reported to the police that she had been sexually assaulted. According to Uber, the driver had passed a background check and the company had received no serious complaints against him before this incident.

It was a little after 8 p.m. on a Friday when the woman, an 18-year-old college student at the time, hailed a car to catch her flight. Earlier in the day she had been drinking, and had taken four shots with a friend, she said in a deposition.

When the car arrived, she said, she checked the license plate to make sure it matched with the app. The driver told her that his trunk was broken, so she put her duffel bag in the back seat and sat in the front.

Not long after the ride began, the driver unexpectedly turned down a dark street and ended the trip on the app, she said. He then climbed on top of her, kissed her, groped her breasts and tried to take off her pants, she said.

The woman’s phone had fallen between the seat and the center divide. The street was poorly lit, and she didn’t know where she was. Terrified, she said, she tried to push the driver off, but he had restrained her by wrapping her hair around the headrest.

The driver stopped after the woman’s phone repeatedly buzzed. She told him that her parents were tracking her location. He eventually drove her to the airport, though she said he taunted her on the way, suggesting he knew where she lived.

When they arrived, he forcibly kissed her before he allowed her to leave, she said in the deposition.

“He was like, bye,” the woman said. “I’m going to come find you.”

“I’m going to message you.”

“I’ll find you.”

#### **Read by Emily Steel**

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